

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference GN02082	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/50298	International filing date (day/month/year) 09.07.2003	Priority date (day/month/year) 10.07.2002
International Patent Classification (IPC) or both national classification and IPC H04N1/00		
Applicant AGFA-GEVAERT ET AL.		



- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 18.12.2003	Date of completion of this report 30.09.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Hardell, A Telephone No. +31 70 340-4017 

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International application No. PCT/EP 03/50298

1. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

2-18 as originally filed

Claims, Numbers

1-33 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-33
Inventive step (IS)	Yes: Claims	
	No: Claims	1-33
Industrial applicability (IA)	Yes: Claims	1-33
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: US 2002/008880 A1 (DEWITTE HANS ET AL) 24 January 2002 (2002-01-24)

2. The subject-matter of claims 1-33 are not considered novel with respect to D1.

2.1 Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document)

- a method for outputting an image having a specific color on an output device (fig.2 and par.[93]-[109]: "workflow file 103" is the image to be outputted on "proofer 219", "spot 1" is the specific color), the method comprising the steps of
- analysing the image (implicitly from par.[93]-[109], eg. for identifying the "spot 1" color);
- creating a model for said output device, based on said analysis, wherein said model encompasses said specific color (par.[97]-[102]: the model is the link between the 2^N Neugebauer colors including "spot 1" and the proofer colors); characterized in that the method further comprises the steps of:
- creating said model in a particular space having a one-to-one relation to a device independent color space (par.[97], CIE-Lab or CIE-XYZ are explicitly suggested as device independent spaces).

Claim 1 is therefore not considered novel with respect to D1 (Art. 33(2) PCT).

2.2 The above argumentation also applies to independent claims 16-18, which differ from claim 1 only in that they are formulated in terms of a different category.

2.3 Independent system claim 21 does not contain the feature of the "one-to-one" relationship with a device independent color space. Leaving out this feature does not render the claim novel over D1.

3. In dependent claims 2-15 and 22-33 details of the claimed method or system are set out which all appear to be explicitly or implicitly disclosed by D1. Thus these claims also

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lack novelty. In particular, the following passages are considered relevant:

Claim 2: TABLE 1 and p.6-7 describe the computation of the model also for "spot 1", ie. also a representation of "spot 1" in eg. CIE-XYZ.

Claim 3: "spot 1" is not a process color.

Claim 4: TABLE 1.

Claim 5: TABLE 1, "spot 1" and "C".

Claim 6: par. [97].

Claim 7: par. [54].

Claim 8: par. [61].

Claim 9-15: fig.2 discloses two output devices and color transforms for printing on both devices.

Claim 22: Claim 21 together with claim 22 resembles claim 1 (however in a different category), and since claim 1 is not novel, neither is claim 22.

Claim 23-33: These claims appear to repeat the content of previous claims, only in a different category. This change of category does not render these claims novel.

4. Independent claims 19 and 20 specify products obtained by a method that is not novel, their only characteristics being that they are derived from that method. So since the method is not novel, neither are these products.

5. As far as the application and claims can be understood they relate to subject-matter that is considered to be industrially applicable.